

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

MARK K. ISHMAEL,
Defendant.

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Civ. No. 16-5376

ORDER

On December 29, 2016, Plaintiff asked me to permit it to serve Defendant by mailing and posting the Summons and Complaint to Defendant's last known address. (Doc. No. 2.) Because Plaintiff's efforts to locate and serve Defendant were insufficient, and because its proposed method of alternate service was not reasonably calculated to put Defendant on notice, I denied the Motion. (Doc. No. 3.) On March 7, 2017, Plaintiff filed a second Motion for alternate service that suffered from the same deficiencies. (Doc. No. 5.) I again denied the Motion and ordered Plaintiff to show cause why the case should not be dismissed for failure to effect timely service. (Doc. No. 6); Fed. R. Civ. P. 4(m).

On March 9, 2017, Plaintiff filed a response. (Doc. No. 7.) Inexplicably, Plaintiff again argues that the same method of alternate service is appropriate—even though I have now twice denied its deficient request. Nonetheless, because Plaintiff now states that it has located Defendant, I will grant Plaintiff an extension until April 14, 2017 to serve the Summons and Complaint. Plaintiff shall make all practical efforts to serve the Summons and Complaint. See United States v. Linares, No. 16-4463, 2016 WL 7014192, at *2 (E.D. Pa. Nov. 30, 2016) (“[A]s many as six repeated attempts at service and a stakeout may be necessary to demonstrate that all practical efforts were made to serve the defendant.”).

AND NOW, this 9th day of March, 2017, upon consideration of Plaintiff's Response to my March 7, 2017 Order to Show Cause (Doc. No. 6), it is hereby **ORDERED** that Plaintiff's time to serve the Summons and Complaint upon Defendant is **EXTENDED** until **April 14, 2017**. Plaintiff shall **MAKE ALL PRACTICAL EFFORTS** to serve Defendant.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.